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Representing the United States of America

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

FREDI KAZIMIRSKY,

Defendant.

Case No. 2:19-mj-00494-BNW

**STIPULATION TO CONTINUE
PRELIMINARY EXAMINATION
(First Request)**

IT IS HEREBY STIPULATED AND AGREED, by and between, the United States of America, through the undersigned, and Paul D. Riddle, Esq., Counsel for defendant Fredi Kazimirsky, that the Preliminary Examination Hearing currently scheduled for Monday, July 22, 2019, at the hour of 4:00 p.m. be continued to a date and time convenient for the Court, but in no event earlier than fourteen (14) days. This stipulation is entered into for the following reasons:

1. The defendant is not in custody and does not object to the continuance.
2. Both counsel for the government and counsel for the defendant were out of the District the week of July 8, 2019.
3. The government is producing initial discovery and counsel for defendant will need

1 additional time to review discovery and to meet with the defendant.

- 2 4. The additional time requested herein is not sought for the purposes of delay, but to
3 allow counsel for the defendant sufficient time to effectively and thoroughly research
4 and prepare;
- 5 5. Denial of this request for continuance could result in a miscarriage of justice;
- 6 6. Denial of this request for continuance would deny undersigned counsel sufficient time
7 to effectively and thoroughly prepare, taking into account the exercise of due
8 diligence; and
- 9 7. The additional time requested is permitted under Federal Rule of Criminal Procedure
10 5.1(d) and excludable in computing the time within which an indictment or
11 information must be filed pursuant to the Speedy Trial Act, Title 18, United States
12 Code, Section 3161(b) and Title 18, United States Code, Section 3161(h)(7)(A)
13 considering the factors in Title 18, United States Code, Sections 3161(h)(7)(B)(i) and
14 3161(h)(7)(B)(iv).

15 This is the first request for a continuance filed herein.

16 WHEREFORE, for the foregoing reasons, the ends of justice would best be served by a
17 continuance of the preliminary hearing.

18 DATED this 15th day of July, 2019.

19
20 NICHOLAS A. TRUTANICH
UNITED STATES ATTORNEY

21 */s/ Nicholas Dickinson*

22 _____
NICHOLAS D. DICKINSON
Assistant United States Attorney

21 */s/ Paul D. Riddle*

22 _____
PAUL D. RIDDLE, ESQ.
Counsel for Defendant KAZIMIRSKY

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

FREDI KAZIMIRSKY,

Defendants.

Case No. 2:19-mj-00494-BNW

FINDINGS OF FACT, CONCLUSIONS OF
LAW, AND ORDER

FINDINGS OF FACT

Based on the pending Stipulation of counsel, and good cause appearing therefore,
the Court finds that:

1. The defendant is not in custody and does not object to the continuance.
2. Both counsel for the government and counsel for the defendant were out of the District the week of July 8, 2019.
3. The government is producing initial discovery and counsel for defendant will need additional time to review discovery and to meet with the defendant.
4. The additional time requested herein is not sought for the purposes of delay, but to allow counsel for the defendant sufficient time to effectively and thoroughly research and prepare;
5. Denial of this request for continuance could result in a miscarriage of justice;
6. Denial of this request for continuance would deny undersigned counsel sufficient time to effectively and thoroughly prepare, taking into account the exercise of due diligence;
7. The additional time requested is excludable in computing the time within which trial

1 must commence pursuant to the Speedy Trial Act, Title 18, United States Code,
2 Section 3161(b) and Title 18, United States Code, Section 3161(h)(7)(A) considering
3 the factors in Title 18, United States Code, Sections 3161(h)(7)(B)(i) and
4 3161(h)(7)(B)(iv);

5 **CONCLUSIONS OF LAW**

6 The ends of justice served by granting said continuance outweigh the best interest of the
7 public and the defendant in an indictment or information being filed within thirty days of the
8 defendant being arrested, because the failure to grant said continuance would be likely to result
9 in a miscarriage of justice, would deny the parties herein sufficient time and the opportunity
10 within which to be able to effectively and thoroughly prepare, taking into account the exercise of
11 due diligence.

12 The continuance sought herein is excusable under Federal Rule of Criminal Procedure
13 5.1(d) and the Speedy Trial Act, Title 18, United States Code, Section 3161(b) and Title 18,
14 United States Code, Section 3161(h)(7)(A) considering the factors in Title 18, United States
15 Code, Sections 3161(h)(7)(B)(i) and 3161(h)(7)(B)(iv).

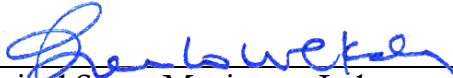
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ORDER

IT IS THEREFORE ORDERED that the preliminary examination in the above-captioned matter currently scheduled for July 22, 2019 at 4:00 p.m., be vacated and continued to August 12, 2019, at 4:00 p.m.

IT IS SO ORDERED.

Entered: July 16, 2019



United States Magistrate Judge